

REMARKS

I. Introduction

By the present Amendment, claims 2 and 8 have been amended. Claim 1 has been cancelled, without any prejudice or disclaimer to the subject matter recited therein. Accordingly, claims 2-4 and 8-12 remain pending in the application. Claim 8 is independent.

II. Office Action Summary

In the Office Action of January 9, 2008, claims 1 and 8 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Claim 1 was rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Application No. 2001/0027450 to Shinoda et al. ("Shinoda"). Claims 2, 3, 10, and 11 were rejected under 35 USC §103(a) as being unpatentable over Shinoda in view of U.S. Patent No. 6,525,765 issued to Obradovich. Claim 4 was rejected under 35 USC §103(a) as being unpatentable over Shinoda in view of Obradovich and further in view of U.S. Patent No. 6,512,856 issued to Davis. Claims 9 and 12 were rejected under 35 USC §103(a) as being unpatentable over Shinoda in view of Obradovich, and further in view of U.S. Patent No. 5,388,129 issued to Hartley. The cancellation of claim 1 has rendered part of these grounds of rejection moot. Regarding the remaining claims, these rejections are respectfully traversed.

III. Rejections under 35 USC §112

Claims 1 and 8 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Regarding this rejection, the Office Action indicates that the claims contain subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor's had possession of the invention at the time the application was filed. The Office Action specifically indicates, in part, that the claim language "subjecting said acquired digital image to an image falsification prevention treatment; detecting a defect on said object by processing image resulting from being subjected to said image falsification prevention treatment and extracting a feature of a detected defect;" is unclear. The Office Action indicates that it is unknown what an image falsification prevention treatment is because this limitation is not described in the Specification in such a way as to reasonably convey how to make or use the invention. Applicants respectfully disagree.

At the outset, Applicants note that this language was originally included in the original claims, and thus forms part of the original disclosure. In general, falsification relates to counterfeit or otherwise unauthorized activities. Furthermore, the Specification provides ample reference to this language and description of how to perform the processes to teach one skilled in the art in the proper manner of practicing the invention. Applicants further note that the wording of the claim (e.g., image falsification) corresponds to various terms of art that anyone who is familiar with the art would come to understand. Applicants specifically direct attention to the primary reference cited in the Office Action (Shinoda) which uses the same terminology. See front page and Abstract. Since this reference has been applied to reject the claims, it is presumed that the reference is within the same field of endeavor. Therefore the reference itself should serve as evidence of the general knowledge and understanding within the art with respect to the terms cited in the Office Action.

While the Office Action alleges that the claim limitations are not aptly described in the Specification, Applicants note that various passages and

descriptions are included that relate directly to achieving the features rejected in the Office Action. For example, Fig. 11 shows an embodiment of the invention in which the image information is applied to the prevention of falsification of images. See paragraphs [0083] – [0088] of the published application. Applicants further note that image falsification and prevention thereof are discussed throughout the Specification. See paragraphs [0004], [0005], [0011], [0049], [0053], [0054], [0092] – [0097], and [0105]. Clearly, such claim features are discussed in the Specification in such a way that one skilled in the art would be able to make and/or use the invention. Furthermore, as this is a term of art, it is unclear how much additional clarity is being sought by the Office Action. Applicants note that the disclosure is presumed to be accurate and enabled unless a *prima facie* case to the contrary can be made. However, Applicants should not be penalized for not superfluously disclosing information that is (or should be) known to anyone of ordinary skill in the art.

Applicants therefore respectfully submit that independent claim 8 fully complies with the written description requirement because the subject matter recited therein is fully described in the Specification in such a way that one skilled in the art would know how to make and/or use the invention. Withdrawal of this rejection is therefore respectfully requested.

IV. Rejections under 35 USC §103

Applicants note that independent claim 8 has only been rejected under 35 USC §112, first paragraph. No art rejections have been presented in the Office Action. Nonetheless, the Office Action goes on to reject claims 10 and 11 under 35 USC §103(a) as being unpatentable over Shinoda in view of Obradovich, and claims

9 and 12 under 35 USC §103(a) as being unpatentable over Shinoda in view of Obradovich and Hartley.

These rejections, however, appear unclear. Since no art rejections have been raised with respect to independent claim 8, claims 9-12, are believed to be allowable based on their dependence from independent claim 8.

Additionally, Applicants have amended claim 2 to now reflect dependence from independent claim 8. Therefore, claims 2-4 now depend from independent claim 8 as well. Accordingly, these claims are also believed allowable over the art of record.

Regardless of the Office Action's failure to raise any rejections with respect to independent claim 8, Applicants have further revised the language of this claim to better clarify the claimed invention and incorporate additional features that are not shown or suggested by the art of record. As amended, independent claim 8 defines a method for transmitting image information that comprises the steps of:

imaging an object by using a digital camera means so that a digital image of said object is acquired;

subjecting said acquired digital image to an image falsification prevention treatment;

transmitting a digital image which has been subjected to said image falsification prevention treatment and information corresponding to digital image acquisition condition of said acquired digital image via communications means;

receiving the digital image which has been subjected to said image falsification prevention treatment and information corresponding to said digital image acquisition conditions of said digital image;

checking the received digital image to detect a presence of falsification;

storing said received and falsification checked digital image in a memory; and

outputting the received and falsification checked digital image and information of the digital image acquisition condition to a display screen,

wherein the step of outputting further includes a step of displaying an enlarged portion of the digital image beside the digital image on the same display screen when said enlarged portion is designated on said display screen.

According to the method of independent claim 8, an object is imaged by a digital camera means so that a digital image of the object can be acquired. The digital image is subjected to an image falsification prevention treatment, and transmitted via a communication means together with information corresponding to a digital image acquisition condition of the acquired digital image. The digital image and the information corresponding to the digital image acquisition condition are received and checked to determine the presence of any falsification. The image is stored in memory after being checked for the presence of falsification. The image as well as the information regarding the acquisition condition are then output to a display screen. Further, according to independent claim 8, an enlarged portion of the digital image is displayed beside the original digital image on the same display screen when that portion is designated on the display screen. As discussed in the Specification, the information regarding the image acquisition condition is specific information that allows for proper falsification detection. Furthermore, certain conditions can be recreated if the original conditions are known. See paragraphs [0027] and [0026]. See also paragraphs [0104] – [0106].

Despite the Office Action's contentions, these features are not shown or suggested by the art of record. In particular, Applicants note that in rejecting claims 2, 3, 10, and 11, the Office Action admits that Shinoda fails to disclose a number of features recited in these claims. See page 5, last paragraph of the Office Action. However, in applying Obradovich as a secondary reference, the Office Action only mentions disclosure for a GPS stamp. The remaining features have still not been

shown or suggested by the art of record. Furthermore, the newly incorporated features of independent claim 8 are clearly not shown or suggested by the art of record.

It is therefore respectfully submitted that independent claim 8 is allowable over the art of record.

Claims 2-4 and 9-12 depend from independent claim 8, and are therefore believed allowable for at least the reasons set forth above with respect to independent claim 8. In addition, these claims each introduce novel elements that independently render them patentable over the art of record.

V. Conclusion

For the reasons stated above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a Notice of Allowance is believed in order, and courteously solicited.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

AUTHORIZATION

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 501.43326X00).

Respectfully submitted,
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